



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/64
21 December 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 (b) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF
DISAPPEARANCES AND SUMMARY EXECUTIONS

Report of the Working Group on Enforced
or Involuntary Disappearances

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Executive summary

The report submitted by the Working Group corresponding to 1999 again indicates further developments of two basic features of the situation of enforced or involuntary disappearances in the world¹

First was the continuation of the practice of disappearances in a number of countries. During last year, the Working Group received information on 300 new cases of disappearances which occurred in 23 countries, 115 of these cases occurred in 1999. At the moment, the Working Group has 46,054 outstanding cases on its registers. During 1999, 125 cases were transmitted by the Working Group to the Governments of 19 countries by way of its urgent action procedure. (The highest number of cases of enforced or involuntary disappearances in 1999 occurred in Indonesia (50) and Colombia (27); the Working Group transmitted to the Government of Algeria 146 cases of disappearance, one of which occurred in 1999).

Second, the process of clarification of cases, especially cases which were transmitted more than 10 years ago, is becoming slower. In spite of satisfactory cooperation with the Working Group from a great number of countries, the fact remains that the attitude of most Governments towards investigating and to clarifying the outstanding cases has not improved. In the period under review (1999), out of 69 countries with unclarified cases, the Governments of 34 countries have not communicated at all with the Working Group.

In its report, the Working Group has recommended to the Commission on Human Rights that it should call upon all the States with outstanding cases to adopt proper measures to improve the process of clarification of cases.

The report also points out that impunity continues to be one of the main causes of disappearances and also the major obstacle in the process of clarification. The Working Group reiterates that the Declaration on the Protection of All Persons from Enforced Disappearance obliges all States to declare all acts of enforced disappearance offences in their domestic criminal law, to promptly and thoroughly investigate all allegations of enforced disappearance and to bring the perpetrators to justice.

¹ Since its creation in 1980, the Working Group has submitted a report annually to the Commission on Human Rights, starting at the Commission's thirty-seventh session. The document symbols of the previous 17 reports are as follows: E/CN.4/1435 and Add.1, E/CN.4/1492 and Add.1, E/CN.4/1983/14, E/CN.4/1984/21 and Add.1 and 2, E/CN.4/1985/15 and Add.1, E/CN.4/1986/18 and Add.1, E/CN.4/1987/15 and Corr.1 and Add.1, E/CN.4/1988/19 and Add.1, E/CN.4/1989/18 and Add.1, E/CN.4/1990/13, E/CN.4/1991/20 and Add.1, E/CN.4/1992/18 and Add.1, E/CN.4/1993/25 and Add.1, E/CN.4/1994/26 and Corr.1 and 2 and Add.1, E/CN.4/1995/36, E/CN.4/1996/38, E/CN.4/1997/34, E/CN.4/1998/43, and E/CN.4/1999/62 and Add.1 and Add.2. The relevant resolutions of the Commission adopted at its last session are resolutions 1999/16, 1999/27, 1999/33, 1999/34 and 1999/41.

As a result of the current limitations in its resources and staff, together with the need to reduce the length of its report, the Working Group has not included some important sections contained in its previous reports, such as those referring to the implementation of the Declaration, as well as general comments on its articles and observations on the draft international convention on the prevention and punishment of enforced disappearances. Also, it has not been possible to include concluding observations in the country chapters.

In its report, the Working Group expresses again its serious concern about its ability in the future, with the present limited financial resources and seriously limited staff, to carry out the various mandates assigned to it by the Commission.

The report includes the separate opinion of two members of the Working Group, Mr. Diego Garcia-Sayan and Mr. Manfred Nowak, who strongly objected to the fact that the report had been limited to 32 pages as requested by the General Assembly.

Introduction

1 The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 1999/38, entitled "Question of enforced disappearances"

2 In addition to its original mandate, which is to act as a channel of communication between the families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified, the Working Group has been entrusted by the Commission with various other tasks. In particular, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter referred to as the Declaration)

3 The number of countries with outstanding cases of alleged disappearance was 69 in 1999. During the period under review, the Working Group received 300 new cases of disappearance in 23 countries, 115 of which allegedly occurred in 1999. The total number of cases transmitted by the Working Group to Governments since the Group's inception stands at 49,070. The total number of cases being kept under active consideration, as they have not yet been clarified, now stands at 46,054.

4 As in previous years, the Working Group has continued to apply the urgent action procedure in cases that allegedly occurred within the three months preceding the receipt of a complaint. This year the Working Group sent urgent action appeals in respect of 125 cases to the Governments of 19 countries (see para. 14).

5 The Working Group regrets that out of the 69 countries with unclarified cases, the Governments of 34 countries have not communicated at all with the Group during the period under review.

6 As in the past, the present report reflects only communications or cases examined before the last day of the third annual session of the Working Group, which was 3 December 1999. Urgent action cases which may have to be dealt with between that date and the end of the year, as well as communications received from Governments and processed after 3 December 1999, will be reflected in the Working Group's next report.

7 Owing to serious limitations in its resources and inadequate staff, together with the requested reduction of pages of this report, the Working Group has not been able to include in the present report some very important sections, such as the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance, including general comments on its provisions, as well as observations on the draft international convention on the prevention and punishment of enforced disappearances. Also, it has not been possible to include observations in the country chapters.

8 The Working Group has faced very serious shortages in the staff servicing its mandates, rendering it almost impossible for the Group to complete all aspects of its mandates in an adequate manner. Therefore, the Working Group expresses serious concern about its ability in

the future, with the present limited financial and human resources, to carry out the various mandates assigned to it by the Commission on Human Rights. Here, the Working Group expresses its deep appreciation of the work of the staff which was carried out in spite of the difficulties referred to above.

I. ACTIVITIES OF THE WORKING GROUP IN 1999

A. Meetings and missions

9. The Working Group held three sessions in 1999. The fifty-seventh session was held in New York from 10 to 14 May, and the fifty-eighth and fifty-ninth sessions were held in Geneva from 30 August to 3 September and from 24 November to 3 December, respectively. During these sessions, the Working Group met with official representatives of the Governments of Angola, Argentina, Guatemala, Kuwait, Mexico and Nepal.

10. In addition, the Working Group met with representatives of human rights organizations, associations of relatives of missing persons and families or witnesses directly concerned with reports of enforced disappearances.

11. By letter dated 19 November 1997, the Government of the Islamic Republic of Iran invited the Working Group to visit that country. The Working Group accepted the invitation and a mutually convenient date is being sought.

12. As reported last year, to date the Working Group has received no reply from the Government of Iraq to its letter dated 21 July 1995 requesting a visit.

13. The Working Group represented by one of its members, Mr. Manfred Nowak, undertook a mission to Sri Lanka from 25 to 29 October 1999. His report, as adopted by the Working Group, is contained in addendum 1 to the present report.

B. Communications

14. During the period under review, the Working Group transmitted 300 new cases of enforced or involuntary disappearance to the Governments of Algeria (146), Belarus, Brazil, China, Colombia, the Democratic Republic of the Congo, Ethiopia, Honduras, India, Indonesia, Iran (Islamic Republic of), Jordan, the Libyan Arab Jamahiriya, Mexico, Morocco, Nepal, Pakistan, the Philippines, Sri Lanka, the Sudan, Tunisia, Turkey and Uzbekistan. Of these, 125 were sent under the urgent action procedure.

15. Of the newly reported cases, 115 allegedly occurred in 1999 and relate to Algeria, Belarus, Brazil, China, Colombia, the Democratic Republic of the Congo, Ethiopia, Honduras, Indonesia (50), Iran (Islamic Republic of), Jordan, Mexico, Nepal, the Philippines, Sri Lanka, the Sudan, Turkey and Uzbekistan.

16. During the same period, the Working Group clarified 70 cases concerning Brazil, China, Colombia, the Democratic Republic of the Congo, Guatemala, Honduras, India, Indonesia, Lebanon, Mexico, Nepal, the Philippines, Sri Lanka, South Africa, Tunisia and Turkey.

17 As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons, and from individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life or security of the person making the report or to his or her family members. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

18 Taking into account the ever-increasing number of United Nations field operations with human rights components and field offices of the High Commissioner for Human Rights, the Working Group has continued this year to address itself to these offices in an effort to take advantage of their unique position on the ground in order to improve its information flow with regard to disappearances.

C. Methods of work

19 During its fifty-eighth session, at the request of several non-governmental organizations, the Working Group met with their representatives to discuss and possibly review its methods of work. A number of representatives underlined the importance of the work carried out by the Working Group in seeking the whereabouts of disappeared persons and, in particular, the effectiveness of its urgent action procedure. However, they expressed concern about the decision taken by the Working Group in 1997 to discontinue consideration of cases where it considers that it can no longer play any useful role in trying to elucidate them, in particular if the source is no longer in existence, or in cases in which the families no longer have an interest in pursuing the matter. In this connection, a number of representatives pointed out that in many cases, the reasons why a source or family members might not respond to a query from the Working Group, or might not wish to pursue an investigation, might not be voluntary and that threats and intimidation might be involved. In such cases, they were of the view that the Working Group, before considering a case clarified, should make every effort to investigate the reasons behind the action or non-action of the source or the family concerned.

20 With regard to compensation in cases where a person reported to have disappeared is found to have been killed, many representatives were of the view that it was part of the humanitarian mandate of the Working Group not only to ensure that the family was informed and compensated, but also to reveal the place of burial to the family.

21 Many representatives of non-governmental organizations, including the Asian Federation against Involuntary Disappearances, Amnesty International, the Latin American Federation of Associations of Relatives of Disappeared Detainees, and the International Federation of Human Rights Leagues, asked for better communication between the source and the Working Group on action taken by the Group in individual cases, especially under the urgent action procedure.

22 At its fifty-ninth session, the Working Group decided to review its methods of work at its sixtieth session to be held in April 2000, taking into account the concerns expressed by the non-governmental organizations.

23 In accordance with the directive received by the Working Group to reduce the length of the annual report, the following new format has been adopted for the present report

Category A countries in which there were new cases of disappearance or clarifications

Category B countries on which the Working Group received comments from Governments and non-governmental organizations

Category C countries from which the Working Group received no information or comments

II. COUNTRIES IN WHICH THERE WERE NEW CASES OF DISAPPEARANCES OR CLARIFICATIONS

Algeria

24 The Working Group transmitted 146 newly reported cases, one of which occurred in 1999. During the same period, the Working Group did not clarify any case

25 The Working Group received information from non-governmental organizations concerning non-compliance by the Government of Algeria with provisions of the Declaration on the Protection of All Persons from Enforced Disappearance

26 The Government of Algeria also provided information on 214 cases. There were two kinds of response: the missing persons had been neither questioned nor arrested, investigations to locate the missing persons were continuing. The Government reiterated its willingness to cooperate with the Working Group and the other extra-conventional mechanisms of the Commission on Human Rights. The Government advised the Working Group that offices had been established throughout the country since August 1998 to receive complaints from families, gather information on cases of enforced disappearances and respond when the investigations were completed. The National Human Rights Monitoring Unit and the Ombudsman could be approached directly by the families. They could also contact the judicial authorities.

Belarus

27 One case was transmitted to the Government under the urgent action procedure. It concerns a former Minister for Internal Affairs who was very active in the presidential campaign of an opposition leader. No information was received from the Government concerning this case

Brazil

28 Four new cases were transmitted to the Government. Three of them concerned three persons who were reportedly arrested when they were leaving a carnival party. The cases were subsequently clarified on the basis of information provided by the source and transmitted to the Special Rapporteur on extrajudicial, summary or arbitrary executions. According to the information received, these persons were shot in the head at point-blank range with a high-calibre pistol similar to those used by the military police.

Cambodia

29 During the period under review, information was received from non-governmental organizations concerning non-compliance by the Government of Cambodia with provisions of the Declaration. Scores of people, possibly as many as 200, were arrested in this context. It was said that the authorities acknowledged only 22 arrests and claimed that 19 of those persons had been released. It was said that at least 20 people, and possibly more, were killed in the two weeks following the crackdown on opposition protests. It was feared that the unacknowledged prisoners may be among the dead. Cambodian authorities have reportedly denied that any of those killed were peaceful demonstrators.

China

30 Seven new cases were transmitted by the Working Group to the Government. One was sent under the urgent action procedure. Four cases concerned persons who were detained on 2 November 1998 in Huangzhou, Zhejiang Province, by the security forces. They were reportedly detained because of their apparent involvement with Mr. Wang Youcal, a political dissident. The whereabouts of two other persons are unknown since 4 May 1998, when prison and police officers opened fire on prisoners staging a demonstration in Drapchi Prison.

31 The Government submitted information on 15 outstanding cases. The Working Group clarified nine cases on the basis of information previously received from the Government to which no objection was received from the source. The missing persons were found in prisons or in a re-education camp. In one case, the missing person had plotted to create an illegal organization, mounting illegal activities in Beijing, Shanghai and elsewhere and was assigned to three years' re-education.

Colombia

32 The Working Group transmitted 27 newly reported cases to the Government. During the same period, the Group clarified nine cases, five of them on the basis of information provided by the Government on which the sources did not make any observations during the six-month period. In one case, the missing person was found living at liberty. In two other cases, the corpses of these persons were found. Two other persons were handed over to a commission of the International Committee of the Red Cross (ICRC) in Doradal, Department of Antioquia. Four other cases were clarified on the basis of the information provided by the source in the sense that these persons, members of a human rights organization, were released by their captors.

33 The newly reported cases transmitted in 1999 occurred mainly in the communities of El Arenal, Villa Hermosa and Caño Seco, Department of Chocó, Urabá region, on the river Simo, Department of Córdoba, and in Barrancabermeja, Department of Santander. Most of the abductions and detentions leading to disappearances were carried out by members of paramilitary groups whose actions were believed to have been undertaken in complicity with, or to be supervised by members of the security forces, very often in areas of heavy military presence. In one case, the police was allegedly responsible for the disappearance.

34 During the period under review, the Government made reference to 72 outstanding cases. Most of the communications contained details of legal proceedings carried out by various authorities dealing with the cases or requests for additional information. The Government of Colombia also reported that it had submitted to Congress a bill which defined the crime of enforced disappearance and established severe penalties.

35 The Working Group was informed that enforced or involuntary disappearances continued to occur and were the work mainly of paramilitary groups apparently operating in various parts of the country with the acquiescence of the security forces. It is alleged that the situation obtains in spite of the fact that in 1989 the Government of Colombia suspended the legal basis for the establishment of those groups and issued specific instructions to the armed forces to break them up. The Working Group was informed that in February 1999, the Public Prosecutor's Office complained that the security forces had served only 200 detention orders on members of paramilitary organizations. Special mention was made of the disappearance of eight people in May 1998 during the attack on Puerto Alvirá, Maripán municipality, Department of Meta, by the paramilitary organization United Self-Defence Group of Colombia. It was reported that although the authorities had received several warnings that an attack on Puerto Alvirá was imminent, they took no action to prevent it or to protect the inhabitants of the port.

36 The Working Group has received reports of other cases in which the security forces did not protect the civilian population or repel attacks against it by paramilitary groups. One such case involved internally displaced persons (from the southern department of Bolívar, in the Magdalena Medio region), who decided to return home after receiving government guarantees that they would be protected in the event of an attack by paramilitary groups. However, they were apparently again attacked in October 1998 and the special armed forces unit deployed to guarantee their security did not provide them with effective protection.

37 It was also reported that the cases of 25 people who had disappeared in Barrancabermeja in May 1998 after an attack by a paramilitary group remained unsolved. Apparently, evidence of complicity in the attack by members of the security forces is beginning to emerge.

38 The Working Group learned that in October 1998, Congress gave preliminary approval to a bill that would incorporate the crimes of enforced disappearance, massacre and genocide in the Penal Code. In June 1999, the Working Group received information that the bill incorporating the crime of enforced disappearance in Colombian domestic legislation would be the subject of a third debate.

39 Lastly, reference was also made to acts of intimidation, harassment and reprisal against members of non-governmental human rights organizations. The Working Group was informed

of the murders of Eduardo Umaña Mendoza and Jaime Garzon and of the death threats made by paramilitary groups against members of the Trujillo Association of Relatives of Victims and the Intercongregational Commission for Justice and Peace, which were obliged to shut down their offices in Trujillo on 19 February 1999. It was alleged that the Government provided no guarantees of protection to those non-governmental organizations and took no special measures to protect the lives of their members.

Democratic Republic of the Congo

40 Five new cases of disappearance were transmitted by the Working Group to the Government. All occurred in 1999 and were sent under the urgent action procedure. Two cases were subsequently clarified given that the source advised the Working Group that these persons, members of a human rights non-governmental organization, had been released.

41 The Working Group received allegations about the arrest and abduction of citizens for varying periods of time without charge or notification to their families. It was said that some persons had disappeared after being arrested by the Forces armées congolaises on suspicion of links with the Rassemblement congolais pour la démocratie. Many victims were said to be from the Gombe, Binza, Ma Compagne, Ozone and Pigeon districts of Kinshasa. The governmental forces were also accused of being responsible for a series of abductions in the eastern region of the country; many of the victims said to be Hutu civilians.

Ethiopia

42 The Working Group transmitted a newly reported case of disappearance to the Government, which allegedly occurred in 1999 and was sent under the urgent action procedure. The case concerns an Eritrean citizen who was detained in the context of a denounced policy of forced repatriation to Eritrea.

Guatemala

43 The Government provided information on 16 individual cases. Eight cases were subsequently clarified by the Working Group. In six cases the missing persons were found living at liberty and held interviews with government officers. The deaths of the two other missing persons were verified through the corresponding death certificates and the Citizen's Registry in the Supreme Electoral Court.

44 The Working Group received allegations that the phenomenon of impunity continued to be considered the biggest obstacle to the enjoyment of human rights in Guatemala. It was indicated that little progress had been made in bringing to trial those responsible for enforced or involuntary disappearances committed in the past. Most cases had not been solved. Reference was made to the inefficiency of the investigations carried out by the Public Prosecutor's Office and to the defective functioning of the judicial system and the security forces.

45 With regard to article 19 of the Declaration, the Working Group was informed that no measures had been adopted providing redress or compensation for the families of the victims of enforced or involuntary disappearances.

46 Special concern was expressed about the fact that the causes and the circumstances of and responsibility for the murder in April 1998 of Monseñor Juan José Gerardi, the Coordinator of the Guatemalan Archdiocesan Human Rights Office, had not been established. It was indicated that Monseñor Gerardi had been beaten to death two days after presiding over the public presentation of the report entitled "Recovery of Historical Memory". The report collates and summarizes testimony collected throughout the country over a three-year period on cases of enforced or involuntary disappearance and of extrajudicial execution. The Working Group was also informed of the murder in May 1998 of Public Prosecutor Sylvia Jerez Romero de Herrera, who was investigating the disappearance of guerrilla leader Efraín Bámaca. It was mentioned that members of the security forces, or persons acting with their consent or acquiescence, might have been responsible.

47 The Working Group continued to receive reports of acts of harassment and intimidation and threats against members of non-governmental human rights organizations working to ascertain the fate or whereabouts of the thousands of victims of enforced disappearances. It learned that members of the Association of Relatives of Detained/Disappeared Persons in Guatemala (FAMDEGUA) had received death threats in July 1999 and been subjected to surveillance and various acts of hostility. It was also informed that on 14 February 1999 members of the Guatemalan Team of Forensic Anthropology were attacked and threatened by army soldiers while excavating unmarked graves in Huehuetenango. The team's work was part of the process of exhumation of the bodies of victims of enforced disappearance carried out by FAMDEGUA and other Guatemalan human rights organizations with a view to handing the mortal remains discovered over to the families for proper burial. There are said to be about 500 unmarked burial grounds in Guatemala.

48 It was alleged that there had been no follow-up to the work of the Commission for Historical Clarification in Guatemala and that the Commission's recommendations had not been implemented. It was said that the work had cost Guatemala and the international community effort, money and time and that there was no point in the recommendations being simply shelved. It was said that there had been no official reaction to some of the Commission's main recommendations, among them the establishment of a special body to trace disappeared persons and to ascertain the fate of all the victims of enforced disappearance during the armed conflict, many of them children.

49 It was also alleged that the Peace Agreement's provisions on measures to preserve the memory of the victims, on full redress and on compensatory measures had not been met.

Honduras

50 The Working Group transmitted a newly reported case of disappearance to the Government. It was subsequently clarified on the basis of the information provided by the source that the missing person had been found alive. The Working Group transmitted also a prompt intervention cable in favour of members of the Committee of Relatives of Detainees and Disappeared Persons who had reportedly been subjected to acts of harassment and intimidation.

India

51. The Working Group transmitted six newly reported cases to the Government, four of which occurred in 1998, one in 1996 and one in 1997. Four persons allegedly disappeared after having been arrested in Srinagar and one in Kashmir. During the same period, the Working Group clarified five cases on the basis of information previously received from the Government, on which no objection was received from the source. In three cases, the persons concerned were found living at liberty.

52. During the period under review, information concerning developments in India having an influence on the phenomenon of disappearance and the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance was received from non-governmental organizations. Allegations were also received of reports that police throughout the country do not often file required arrest reports. It was said that when family members seek information on detained relatives, all knowledge of the missing person is denied, in breach of article 10 of the Declaration relating to the provision of accurate information to the family members of a person deprived of liberty.

53. Particular concern was expressed with regard to the Terrorist and Disruptive Activities Act (TADA) which continues to be applied despite the announcement by the Government in May 1995 that its validity would not be extended. Impunity is said to prevail in Manipur. The Assam and Manipur Special Powers Act of 1958 reportedly confers on the armed forces broadly defined virtual immunity from prosecution.

54. It was said that the Protection of Human Rights Act of 1993 prevents the Indian National Human Rights Commission (NHRC) from inquiring into incidents older than one year. It has no power to investigate directly violations of human rights, no jurisdiction over violations committed by the armed and the security forces, no power to prosecute violators and no power to compensate victims. Allegations were also received according to which more than 2,000 persons are being held in long-term unacknowledged detention in interrogation centres and transit camps in the north-east of the country and in Jammu and Kashmir.

55. The Government of India pointed out that the allegations referred to above do not reflect the actual situation prevailing in India and contain sweeping generalizations which have no foundation in fact. As a democracy, India has an extensive range of institutions which ensure the protection of human rights. TADA had been allowed to lapse as a conscious decision on the part of the Government after significant public debate in the country. Since then, to the Government's knowledge, no one has been charged with offences under this Act. Only 1,022 persons continue to be detained under the Act at present. NHRC has powers under article 12 of the Protection of Human Rights Act, 1993 to inquire *suo moto* as well as on the basis of petitions submitted by victims. It can also utilize the services of any officer of the Central or state Governments as required for investigations. While it is true that article 19 of the Act provides for a separate procedure with regard to complaints of violation by members of the armed forces, this is merely an alternative procedure and does not provide any immunity. It is also incorrect to allege that laws such as the Armed Forces Special Powers Act provide security forces with immunity from prosecution. No law passed by the legislature can violate human rights guaranteed by the Constitution of India.

56 Regarding the situation in the State of Manipur, since the late 1970s, the Government reports that there has been cross-border terrorism carried out by militant elements and insurgents. These militants have been responsible for random killings, extortion, looting, abductions, etc. The Government has an obligation to uphold democracy, the rule of law and the human rights of its citizens and it is convinced that measures to combat terrorism must be carried out but only in accordance with human rights and national law standards. Violators of human rights at all levels are identified and punished in India.

Indonesia

57 The Working Group transmitted 50 newly reported cases of disappearance, all of which occurred in 1999 and mostly in East Timor and in Aceh. The cases were sent under the urgent action procedure. During the same period, the Working Group clarified a case on the basis of information previously received from the Government on which no objection was received from the source. The response pointed out that this person had been found imprisoned at the Bicara police station awaiting trial on charges of rebellion. Another case was clarified on the basis of the information provided by the source according to which the missing person had been released after being held in incommunicado military detention. The Government of Indonesia also submitted information on 27 other cases.

Iran (Islamic Republic of)

58 The Working Group transmitted four newly reported cases to the Government. Three cases were transmitted under the urgent action procedure.

59 The Working Group received allegations that relatives are not informed of the detention of their family members, in breach of article 10 of the Declaration. That was reportedly the case of several students detained during the demonstrations that took place in Tehran on 8 July 1999. It was alleged that in the following days, students, journalists and academics were taken from their homes without any arrest warrant and without any explanation or notice to their relatives. It was said that these actions placed the detainees outside the protection of the law. It was also reported that other detentions without a legal warrant took place in Mashhad and Rasht. Some of the detained persons were reportedly linked to the People's Mojahedin Organization of Iran.

Iraq

60 The Working Group transmitted to the Government of Iraq one new case. It was transmitted by the urgent action procedure. It concerns an Iraqi national who was allegedly abducted in Amman by the Iraqi Intelligence Services. He had reportedly travelled to Jordan to escape persecution in Iraq. In conformity with its methods of work, the case was also transmitted by the Working Group to the Government of Jordan. No response has been received so far from the Government of Iraq concerning this case.

Jordan

61 The Working Group transmitted to the Government the same case transmitted to the Government of Iraq (see para. 60 above). No response had been received so far from the Government of Jordan.

Libyan Arab Jamahiriya

62 One new case of disappearance was transmitted by the Working Group to the Government. It concerns a Lebanese citizen who was abducted in Tripoli on 31 August 1978 while he was accompanying a famous Shiite Muslim scholar visiting Libya.

Mexico

63 The Working Group transmitted six newly reported cases of disappearance to the Government, one of which occurred in 1999. All the cases were sent under the urgent action procedure. During the same period, the Working Group clarified 16 cases on the basis of information previously provided by the Government on which the sources had not made observations within the six-month period. The Working Group also decided to discontinue consideration of one case, since the brother of the missing person reiterated, on behalf of his relatives, his desire not to pursue the issue any further.

64 The newly reported cases occurred in Mexico, Federal District, in Villahermosa, State of Tabasco, in El Calvario community, Sabanilla municipality, State of Chiapas, and in the communities of Coyuca de Benitez and El Achotal, municipality of Atoyac de Alvarez, State of Guerrero. Members of the security forces were mentioned as responsible in one case, soldiers of the Mexican Army in three cases, and members of paramilitary groups, acting with the acquiescence of members of the security forces, in two cases. Specifically mentioned were the 60th Battalion of the army and the paramilitary group Paz y Justicia (Peace and Justice). Victims were peasants, the president of a coalition of municipal councils, a member of the Partido de la Revolucion Democratica (Democratic Revolution Party) and two members of the Peasant Organization of the Sierra del Sur (OCSS).

65 Representatives of the Mexican National Commission on Human Rights met with the Working Group at its fifty-seventh and fifty-eighth sessions and reiterated their desire to continue cooperating with the Group. They reported that between April and July 1999, a total of 46 working missions had been carried out by the National Commission to 20 states of the Federation. Two investigators had taken part in each visit, which generally lasted for a period of approximately five days.

66 The Working Group clarified 16 cases on which the sources had not made observations within the six-month period. In four cases, it was reported that the persons concerned had been found living at liberty; in one case, the person concerned had been found in detention at the Social Readaptation Centre of Chilpancingo; in four cases, the mortal remains of the missing persons had been found.

67. Concern was expressed by several non-governmental organizations that the draft legislation on enforced disappearances drawn up by the Mexican National Human Rights Commission in May 1998 had still not been discussed by the Congress.

68. Special reference was made to the fact that the efforts of the National Human Rights Commission to ascertain the fate and whereabouts of hundreds of people who had disappeared during the 1970s and early 1980s had been fruitless in most cases. It was further pointed out that a fresh wave of disappearances had occurred between 1994 and 1997.

69. The Working Group was informed that a number of people who had temporarily disappeared in previous years and subsequently been located said that they had been subjected to torture and ill-treatment for long periods by their captors, who wanted them to confess or provide information. It was pointed out that the recent cases of enforced or involuntary disappearance had occurred in the context of government-run law and order, counter-insurgency or anti-drug trafficking operations.

70. Other allegations received refer to the existence in Mexico of a widespread culture of impunity, exacerbated by recourse to the system of military justice to investigate and prosecute members of the armed forces involved in human rights violations, by the alleged lack of independence of and the corruption in the ordinary judicial system and by acts of hostility, intimidation and reprisal committed by state and federal authorities against members of non-governmental organizations and opposition political parties.

71. It was also stated that the families of victims of enforced disappearances cannot obtain amparo from the judiciary, the judges allegedly not only refusing to investigate charges or prosecute those supposedly responsible, but refusing even to start the corresponding judicial investigations.

Morocco

72. The Working Group transmitted two cases to the Government, one of which reportedly occurred in 1997.

73. The Government of Morocco provided the Working Group with information on four cases, stating that the persons concerned had died. The Moroccan Conseil consultatif des droits de l'homme had clarified those cases. The Government promised to send the Working Group the corresponding death certificates.

74. The Working Group received allegations that the Government had taken no further steps to investigate the disappearances of more than 200 Moroccans and Saharawis who disappeared between 1984 and 1991, in breach of article 9 of the Declaration. It was said that the relatives of those disappeared had not received any kind of compensation, in violation of article 19 of the Declaration. It was further reported that a royal amnesty continued to protect those responsible for enforced or involuntary disappearances from legal prosecution. The failure on the part of the authorities to carry out serious investigations and to institute legal proceedings was also denounced.

Nepal

75. The Working Group transmitted six newly reported cases, five of which occurred in 1999, to the Government. All the cases were sent under the urgent action procedure. The victims were the Chairman of the Gorkha District Bar Association, a member of the Forum for the Protection of Human Rights, a member of the Nepal Bar Association and three persons who were reportedly re-arrested on the premises of the Parsa District Court immediately after the Court ordered their release. In all the cases the police was mentioned as the responsible force. The Working Group clarified two cases on the basis of the information provided by the Government referring that these two persons had been released on bail on 15 February 1999.

76. Non-governmental organizations informed the Working Group that police operations initiated on 26 May 1998 had led to an alarming deterioration in the country's human rights situation and to cases of enforced or involuntary disappearances. The operations were allegedly against members of the so-called Maoist Communist Party of Nepal, which had reportedly declared a "people's war" in February 1996.

77. A representative of the Government of Nepal met with the Working Group at its fifty-ninth session. He stated that strict instructions had been issued to police personnel not to take any action with a bias against anybody in the course of controlling terrorist activities. Police personnel had not resorted to acts of enforced disappearance or torture. None of the disappeared persons considered by the Working Group seems to have been arrested by the police. He added that people involved in terrorist activities have opted to go underground fearing the initiation of legal actions against them. The legal struggle against terrorism cannot create situations wherein citizens could be deprived of the enjoyment of their constitutional rights.

78. The Government of Nepal provided information on five outstanding cases announcing that the authorities are making every possible effort in the search of the disappeared persons.

Pakistan*

79. The Working Group transmitted to the Government three newly reported cases of disappearance, which occurred in December 1998 and were sent under the urgent action procedure. They concern three members of the Muhajir Quami Movement in Karachi who were arrested by law enforcement officers and taken to unknown destination.

80. With regard to these cases, the Government informed the Working Group that the authorities are investigating the facts of the matter and that if the allegations prove to be well founded, those responsible will be brought to justice.

* Mr. Agha Hilaly did not participate in the decisions relating to this subsection of the report.

81 The Working Group received allegations that, in breach of article 10 of the Declaration, disappeared persons continued to be unaccounted for because of the lack of investigation into the cases by the authorities. It was also alleged that authorities are usually unable to bring perpetrators of enforced disappearances to justice, as provided for in article 14 of the Declaration.

Philippines

82 The Working Group transmitted three newly reported cases, one occurred in 1999. During the same period, the Working Group clarified two cases on the basis of information provided by the source and one on the basis of information provided by the Government on which no observations were received from the source within a period of six months.

83 The three newly reported cases transmitted in 1999 concern two persons who were detained by army officers in Nasugbu, Batangas, on suspicion of being members of the so-called Communist New Peoples Army. They were interrogated and reportedly handed over to the Mobile Force Company of the Philippine National Police (PNP) base in Palico. However, the PNP denied any knowledge of the arrest. The other victim is a trade union organizer for the Citizen's Campaign against Criminalization of Political Detainees who was reportedly detained by members of the army in Bagong barrio, Caloocan City, Metro Manila.

Sri Lanka

84 The Working Group transmitted seven newly reported cases, two of which occurred in 1999. All the cases were sent under the urgent action procedure. During the same period, the Working Group clarified the two cases that reportedly occurred in 1999 on the basis of information submitted by the source according to which the persons concerned were released after 39 days of unacknowledged detention in the People's Liberation Organization of Tamil Eelam (PLOTE) camp at Kovilkulam Junction.

85 Five of the newly reported cases concerned displaced persons residing at the Veppankulam camp in Vavuniya district who were abducted by members of an armed Tamil group opposed to the Liberation Tigers of Tamil Eelam, allegedly acting with the acquiescence of the security forces. Local investigations have so far given no indication as to their whereabouts.

86 At the invitation of the Government of Sri Lanka, a member of the Working Group, Mr. Manfred Nowak, and the Working Group's Acting Secretary visited Sri Lanka from 25 to 29 October 1999. The report on the visit is contained in addendum 1 to the present report.

Sudan

87 The Working Group transmitted three newly reported cases. The cases occurred in 1999 and were sent under the urgent action procedure.

88 The Government provided information on two cases, stating that one of the persons concerned was currently leading a normal life as a bishop and that the other missing person had

been released from prison in April 1997. The Working Group was unable to clarify the first of the cases in view of the discrepancy in the occupation of the person referred to by the source and the Government and to the fact that the Government had provided three different dates of his release. With regard to the second case, no information was provided on the current whereabouts of the missing person.

Tunisia

89 The Working Group transmitted one new case under the urgent action procedure. It concerns a woman who allegedly disappeared in December 1998 following her release from her place of detention in Mannouba prison in Tunis. The case was subsequently clarified on the basis of the information provided by the Government that this person was still serving her sentence in the same prison. The source did not reply to the Government's information within the six-months period.

Turkey

90 The Working Group transmitted eight newly reported cases, which reportedly occurred in 1997, 1998 and 1999. Two cases which occurred in 1999 were sent under the urgent action procedure. Two cases concern persons who were detained at Habur while intending to cross the border to Iraq. Another case concerns a person who allegedly disappeared after having been arrested because of irregularities in his passport at Ipsala Border Control Post. Three cases occurred in the city of Diyarbakir, one in Gungoren district in Istanbul and one in Izmit. One case concerns a prisoner who, according to the prison guards, ran away when he was taken to the hospital for a medical operation.

91 The Government submitted information on 10 outstanding cases. One case was subsequently clarified by the Working Group on the basis of that information, given that the source made no observations within the six-month period. According to the information provided by the Government, the missing person was kept at Amasya prison. Another four cases were clarified given that the sources did not formulate observations to the responses from the Government during the six-month period.

92 With regard to three other cases, the Government reported that the investigations carried out by the Office of the Chief Prosecutor of Izmir had determined that there was no evidence that these persons had been detained by the police. With reference to another case, the missing person had asylum status in Greece since 1984 and probably had illegally entered and left Turkish territory on false travel documents. With regard to another case the missing person is on the wanted list of the police for several offences and has been a fugitive since 28 February 1994.

Uzbekistan

93 The Working Group transmitted seven new cases, one of them under the urgent action procedure. The cases occurred in February and March of 1999 following a series of bombing in Tashkent. According to information received these persons were arrested at night by masked members of the security forces because of their ties to the banned political opposition parties.

Birlik (Unity) and Erk. The missing persons are an acclaimed novelist, the brother of a leader of Erk, the editor of the Erk party newspaper, the deputy chair of the party, a private trader and a former mathematics professor. Another case occurred in July 1999 in Tashkent and concerns a member of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU) and the Birlik opposition movement.

94. The Working Group was informed that relatives of people arrested are more reluctant than in the past to speak with human rights activists for fear of further repression.

95. The Government of Uzbekistan provided information on nine cases. The information was not considered sufficient for the Working Group to clarify them. It also stated that since independence, Uzbekistan had achieved impressive results in the field of human rights. The Institute of the Ombudsman in the Parliament of Uzbekistan, the National Centre for Human Rights and other human rights institutions were established during this time.

III. COUNTRIES FROM WHICH THE WORKING GROUP RECEIVED COMMENTS FROM GOVERNMENTS OR NON-GOVERNMENTAL ORGANIZATIONS

Angola

96. Representatives of the Government met with the Working Group at its fifty-eighth session and reported that their country had been at war for 30 years and continued at war. Concerning the four outstanding cases, they stated that a long time had elapsed since the disappearances and that thousands of citizens had disappeared during the war.

Argentina

97. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Argentina.

98. The vast majority of the 3,453 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military dictatorship, in the context of its so-called war against subversion.

99. As in the past, a number of non-governmental organizations have continued to address themselves to the Working Group with regard to their ongoing quest to have the fate of the persons who disappeared in Argentina brought to light. The Working Group received reports of a campaign of harassment, intimidation and threats against members of non-governmental organizations. The campaign was said to be related to the start of various legal proceedings in Europe against former members of the Argentine armed forces. In this context, the Working Group was informed that Esteban Cuya, a Peruvian citizen and member of the German Coalition against Impunity, was attacked on 17 November 1998 in Buenos Aires. The attackers apparently robbed him of various documents belonging to German citizens in Argentina.

100. The Working Group also learned that the Government refused to cooperate with the judicial authorities of Germany, Spain and Italy in the proceedings referred to above for reasons

of sovereignty, independence and exclusive jurisdiction. With regard to article 20, paragraph 3, of the Declaration, the Group was informed that those responsible for the abduction of children of disappeared persons and children born to mothers in captivity had been neither tried nor sentenced. The Working Group was further informed that no progress had been made in the trial for abduction of minors begun in 1996 in the Federal Administrative Court, where those involved had pleaded that the civilian courts did not have jurisdiction and had invoked the statute of limitations. It would also seem that no progress was made in the proceedings for illegal deprivation of liberty brought in 1998 against members of the armed forces who had previously been pardoned, which included cases of enforced disappearances of various women and children.

101. It was finally alleged that the rights to truth and justice of the families of the disappeared persons and victims of human rights violations continue to be ignored.

102. A representative of the Government of Argentina met with the Working Group at its fifty-ninth session and made reference to two notes verbales transmitted by the Government in response to the allegations of non-compliance with provisions of the Declaration made by non-governmental organizations. The Government reported that on 9 December 1998, in the context of the efforts to trace and return minor children of disappeared persons, the Congress of the Nation passed a law whereby the Historic Reparation Fund for Tracing and Returning Children Abducted and/or born in captivity was created within the legislature. It also reported that nine persons have been prosecuted for the crime of abduction of minors during the period of the former *de facto* Government (1976-1983). Those currently being prosecuted include Jorge Videla, first President of the *de facto* regime, Reynaldo B. Bignone, last *de facto* President, and Emilio Massera, first Chief of the Navy during the *de facto* Government. Mr. Videla, at present under house arrest, is linked to 10 cases of appropriation of minors and Mr. Massera is being prosecuted as the indirect perpetrator of all the thefts of children that took place in the infamous Navy Engineering School (the ESMA).

103. Investigations into the case of Esteban Cuya Yuyale are continuing. The judicial authorities have ordered the production of an identikit picture and a check of the photographic archives of known criminals to enable Mr. Cuya Yuyale to identify his aggressors; this was carried out at the offices of the Federal Police and investigations are continuing.

104. With regard to cases now pending before the German, Italian and Spanish courts in connection with the forced disappearance of nationals of those countries in Argentinean, the Working Group was reminded that those incidents took place in Argentina. Responding to requests from foreign courts on these cases would diminish the authority of the Argentina courts which have been and are taking the necessary action; it would also be against the universal principle of *non bis in idem*. Argentina, as a collective entity, has shaped a legislative and judicial solution that has restored peace within the country.

105. Regarding the extraordinary appeal lodged by Carmen Aguiar de Lapacó in an attempt to ascertain what had happened to her daughter, Alejandra Lapacó, missing since 17 March 1977, there is no reason to conclude that the "right to truth", a matter of substance, has been denied when only the procedural means chosen to secure it have been rejected. The Government sent a copy of the Amicable Settlement Agreement signed in Buenos Aires between the Government and Mrs. Aguiar de Lapacó on 15 November 1999. Lastly, the Government of Argentina

advised that on 19 December 1998 the National Congress passed a law awarding a monthly grant of US\$ 25,000 to the Grandmothers of the Plaza de Mayo Association to subsidize the costs of locating, identifying and returning abducted children and children born in captivity. The payments began in January 1999 and will continue for two years.

Burundi

106 During the period under review, information concerning developments in Burundi having influence on the phenomenon of disappearances and the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance was received from non-governmental organizations. It was alleged that many cases of enforced disappearance continue to occur following arrests by soldiers resulting from ethnic and political rivalries. It was said that when family members seek information from the police on detained relatives, all knowledge of the missing person is denied in breach of article 10 of the Declaration relating to the provision of accurate information on the detention of persons deprived of liberty to their family members.

Cameroon

107 In response to a request by the Working Group, the Government provided the court judgement concerning a person who was reportedly charged with making false claims and with the use of a false birth certificate. The Government also provided information on the six outstanding cases.

Egypt

108 The Working Group retransmitted seven cases to the Government, updated with new information from the sources. The Government submitted information regarding one outstanding case.

109 Non-governmental organizations pointed out that the Government of Egypt is failing to fulfil its obligations under article 13 of the Declaration to conduct thorough and impartial investigations into all cases of enforced disappearance for as long as the fate of the victim remains unclarified, particularly in the cases in which the victims were detained by members of the State Security Investigation.

El Salvador

110 The Working Group was informed of the successful efforts by a Salvadoran non-governmental organization, the Asociación Pro-Búsqueda de Niños y Niñas Salvadoreños, which has been able to find 98 missing children and reunited them with their families, which are currently in 10 different countries.

111 The Working Group was also informed that the crime of the enforced disappearance of persons had been included in the Salvadoran Penal Code, in articles 364 to 366, under the chapter entitled "Crimes against humanity". The amendment to the penal law had been carried out within the framework of the Agreement on Human Rights of San José and the Peace Agreement, signed in 1991 and 1992, respectively, between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN).

Eritrea

112 The Government transmitted information on 21 outstanding cases and requested further information on 13 cases. According to the Government, most of the missing persons are of Ethiopian nationality and were arrested in front of the Ethiopian Embassy in Asmara on 23 August 1998, when the *Chargé d'affaires* of Ethiopia requested the intervention of the Eritrean police because some Ethiopian demonstrators were trying to enter the embassy compound. They subsequently left Eritrea and the International Committee of the Red Cross registered them when they crossed the border.

Kuwait

113 The Working Group retransmitted to the Government one case, updated with new information from the source.

114 The Government stated that the case occurred when the situation in Kuwait was not fully under the control of the legitimate authorities and reiterated its willingness to cooperate in the manner the Working Group deemed appropriate. The family requested the Working Group to continue its efforts to clarify the case. The Government later indicated that a committee composed of senior officials representing the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior and the Department of Public Prosecutions had been established with a view to resolving this case. This committee reportedly had held two meetings to examine all possible ways and means of bringing the case to a satisfactory conclusion and was continuing its investigations into the case. The Government further stated that this case had also received the attention of the National Assembly's Commission for the Defence of Human Rights. Finally, the Government expressed its wish to invite a member of the family of the missing person to visit Kuwait in order to resolve this outstanding case. The family advised the Working Group that on 20 August 1999 it had received the invitation from the Government to pay a visit to the country. However, the invitation was not considered sufficient by the relatives nor was it a solution to the case.

Malaysia

115 The Government informed the Working Group that investigations were continuing regarding the outstanding case of disappearance, which concerns a permanent resident of Malaysia who is neither an asylum-seeker nor an illegal immigrant.

116 The Government of Malaysia also informed the Working Group that the allegations transmitted to it by several non-governmental organizations during 1998 were not true. Malaysia does not distinguish between the country and the region of origin of migrants. The only

distinction made is between legal and illegal migrants. All aliens entering Malaysia should have valid travel documents. Malaysia has not used the Internal Security Act, 1960 to restrict the rights of assembly, free speech, open communications or personal freedoms. The Act, which includes provision for preventive detention, has only been invoked to prevent subversion and organized violence against persons and property in specified areas of the country.

Peru*

117. The Government of Peru provided the Working Group with replies on three individual cases. In one case, the court of Padre Abad had decided to put an end to the judicial investigation, given that the responsibility of members of the security forces could not be established. In the two other cases, a new examination of the register of detainees showed that the missing persons were never arrested or detained by the security forces. However, investigations were continuing into these three cases.

118. The Working Group was informed that the Peruvian Congress had approved legislation in February 1998 incorporating the crime of enforced disappearance in the Penal Code. Enforced disappearance was included in the section on crimes against humanity and would be punishable by a sentence of 15 years in prison. Those accused of the crime would be tried in civilian courts.

119. The Working Group was informed by several non-governmental organizations that thousands of cases of enforced or involuntary disappearances and other grave human rights violations perpetrated by the security forces between 1980 and 1995 continued to go unpunished. It was said that judicial investigations continued to be blocked by the 1995 Amnesty Act and its Articles of Interpretation, which granted members of the armed and security forces immunity from prosecution.

120. The Working Group also received allegations that the government authorities continued to ignore judgements handed down by the Inter-American Court of Human Rights and recommendations by the Inter-American Commission on Human Rights to pay financial compensation or grant other measures of redress to the victims of enforced disappearances or their families. In this regard, mention was made of the disappearance in 1991 of Ernesto Castillo Pérez, whose family had still not received the corresponding indemnity. The Working Group also learned that in 1999 the Inter-American Court of Human Rights had taken up several cases concerning Peru and determined, in proceedings carried out with all judicial guarantees and respect for due process and attended by Peruvian judges and lawyers, that the human rights of a number of people had been violated in Peru.

121. The Working Group was also informed that on 7 July 1999 Congress decided to approve the withdrawal of Peru from the jurisdiction of the Inter-American Court of Human Rights with immediate effect. That decision is alleged to constitute a grave backward step in the promotion and protection of human rights in Peru, leaving Peruvians without the possibility of turning to supranational bodies. It is particularly serious given the alleged lack of independence of the

* Mr. Diego García-Sayán did not participate in the decisions relating to this subsection of the report.

judiciary and the Public Prosecutor's Office and the existence of judicial proceedings that systematically disregard minimum international standards of due process. Peru had recognized the Inter-American Court's jurisdiction unconditionally in 1991, without reservations and for an indeterminate period, and by doing so had granted Peruvian citizens the benefit of access to independent international judicial proceedings in cases where their rights had been violated and it had not been possible to obtain suitable redress through the national courts.

122. It was also alleged that the Peruvian Government and Congress's decision to remove the country from the jurisdiction of the Inter-American Court robbed article 205 of the 1993 Constitution of all meaning. That article guarantees the right of citizens of Peru to apply to international tribunals and organizations for redress once internal remedies have been exhausted. Peruvian citizens no longer can have recourse to any international court. This decision was one of a series of legislative and governmental measures that have undermined the rule of law and the protection of human rights. Those measures include: the suspension of the Constitution for nine months in 1992, the enactment of the Amnesty Act and its Articles of Interpretation in 1995, the measures aimed at limiting the independence of the judiciary and the Public Prosecutor's Office adopted in 1996 and of the National Magistrature, adopted in 1998, and Congress's removal from office of three Constitutional Court judges in 1997, leaving the Court unable to carry out its main duties.

123. Although the Working Group has received no reports of enforced or involuntary disappearances since 1995, it has continued to receive allegations concerning the lack of independence of the judiciary and the Public Prosecutor's Office, failings in the rule of law, the non-observance of judicial guarantees and the rules of due process, the judgement of civilians by military tribunals and the competence of those tribunals to hear cases of human rights violations committed by members of the armed forces. It has also been alleged that even in the few cases in which a judicial authority was willing to investigate cases of enforced or involuntary disappearances, it was unable to do so because of lack of cooperation from the members of the armed forces or because of threats made against prosecutors, the victims' lawyers and witnesses. Those threats and acts of harassment and intimidation contravene article 13, paragraph 3, of the Declaration. They have included acts of administrative and fiscal harassment.

124. With regard to articles 16, paragraph 2, and 17 of the Declaration, it has been stated that the Amnesty Act of 1995 and its Articles of Interpretation provide for total impunity, undermining the right to justice, truth and social and financial redress for the relatives of victims of enforced or involuntary disappearances committed in the campaign against the organizations calling themselves the Communist Party of Peru, Shining Path and the Tupac Amaru Revolutionary Movement. Particular concern was also expressed about the high number of cases of enforced or involuntary disappearance submitted to the Working Group and still outstanding.

Uruguay

125. The Government of Uruguay informed the Working Group that it had no new information to convey to it.

126. The Working Group was informed by several non-governmental organizations that members of the armed and security forces accused of having committed enforced or involuntary

disappearances and other grave human rights violations in previous decades had not been brought to court. On the contrary, some had been promoted to important positions in their institutions. It was also alleged that no serious or independent investigation had been made of cases of enforced disappearance.

127 The Working Group was informed that the Immunity from Prosecution Act (Act No. 15848 of 1986), ratified by national referendum in 1989, remained in effect. Enacted during the first Government of President Julio María Sanguinetti in December 1986, the Act exempts the members of the armed and security forces from penal sanction for violations of human rights committed up to 1 March 1985, if those violations were committed for political reasons or on orders from a superior.

128 Although article 4 of the Immunity from Prosecution Act stipulates that the executive must inquire into the fate and whereabouts of disappeared persons, that provision has allegedly not been fulfilled. It is said that in practice two military prosecutors were asked to conduct an inquiry, but they themselves had been accused of committing human rights violations. The Working Group was told that their inquiry simply concluded that no evidence or proof had been found of involvement by members of the armed forces in enforced disappearances or other human rights violations.

129 It has also been alleged that senior armed forces officers continued publicly to justify the commission of crimes of enforced or involuntary disappearance as acts of war against subversion, political enemies and dissidents who had to be eliminated. The Working Group was informed that the officers making those statements had not been subjected to any form of punishment. It was also alleged that Uruguay had never acknowledged its own State responsibility in the crimes and cases of enforced disappearance that Uruguayan military officers had committed or been party to in some way in neighbouring countries. It was also stated that unlike other countries, Uruguay had never set up a truth commission or carried out any public or official inquiry into human rights violations committed in the past. Contrary to the provisions of Uruguayan legislation, the State had not applied the decision of the Administrative Court of 25 March 1999 and continued to treat the Immunity from Prosecution Act as a government decree.

130 Furthermore, the Working Group was informed that no inquiry has been launched into statements by Uruguayan Senator Rafael Michelini that there are corpses at the Battalion 13 barracks. The corpses are said to be the remains of victims of enforced disappearance.

IV. COUNTRIES FROM WHICH THE WORKING GROUP RECEIVED NO INFORMATION OR COMMENTS

131 During the period under review, no new cases of disappearances were transmitted by the Working Group to the Governments of the following countries: Afghanistan, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Chad, Croatia, Cyprus, Dominican Republic, Ecuador, Equatorial Guinea, Greece, Guinea, Haiti, Israel, Lao People's Democratic Republic, Lebanon, Mauritania, Mozambique, Nicaragua, Nigeria, Paraguay, the Russian Federation, Rwanda, Saudi Arabia, Seychelles, Syrian Arab Republic, Tajikistan, Thailand, Togo, Uganda, Ukraine, Venezuela, Yemen. No new cases were transmitted to the Palestinian Authority.

132 During the period under review, no new information was received from these Governments, or from the Palestinian Authority, with regard to the outstanding cases. The Working Group is therefore unable to report on the fate and whereabouts of the persons concerned.

V. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

South Africa

133 During the period under review, the Working Group clarified the one outstanding case of disappearance on the basis of the information provided by the Government. The source made no observations to the response by the Government within the six-month period.

VI. CONCLUSIONS AND RECOMMENDATIONS

134 The Working Group draws to the attention of all Governments that the full implementation of the Declaration on the Protection of All Persons from Enforced Disappearance is crucial for the prevention and the termination of this human rights violation. In particular, the Working Group wishes to stress the importance of measures aimed at reducing periods of administrative detention to an indispensable minimum, at establishing accessible and up-to-date registers of detainees, and at guaranteeing access and appropriate information to relatives, lawyers and doctors of persons deprived of their liberty.

135 Bearing in mind that the effectiveness of its mandate depends on the cooperation received from Governments, especially of those countries in which enforced disappearance is an ongoing phenomenon, the Working Group appreciates the mechanisms of communication and dialogue that exist with almost all the Governments of the countries concerned, many of which have sent high-level representatives to its sessions.

136 The Working Group wishes to emphasize that it is essential to its activities to continue to receive cooperation from non-governmental organizations concerned with the problem of disappearances. Their activities deserve full support considering that they are a key ingredient for the clarification of cases. The Working Group expresses its appreciation for the cooperation and support it has received from these organizations. At the same time, it notes with deep concern that in some countries these organizations suffer harassment and persecution which prevent them from fulfilling their duties. The Working Group calls upon the concerned Governments to take all measures to guarantee complete protection to these organizations and their members.

137 One of the major achievements of the United Nations human rights programme has been the establishment of thematic mechanisms by the Commission on Human Rights to deal with the essential task of receiving complaints, investigating gross violations of human rights and reporting on their findings publicly. These mechanisms are accessible to everybody and have demonstrated in practice, for the past 19 years, that they can perform an effective role in the protection of human rights throughout the world, especially with regard to persistent and

extensive violations such as enforced disappearances. The non-governmental organizations acknowledge that these mechanisms have certainly acted as a deterrent to a greater increase of this particular international crime.

138 As is well known, the Working Group was the first of these mechanisms to be created and had to play a pioneering role as a channel of communication between victims, families and non-governmental organizations on the one hand, and Governments on the other. Since its establishment in 1980, the Working Group has transmitted more than 49,000 cases to Governments, in many of the 69 countries concerned, new cases have been reported. Although some 3,000 cases have been clarified, more than 46,000 cases are still outstanding.

139 It is crucial for the countries that have a large backlog of outstanding cases to make consistent and effective efforts to identify the fate and whereabouts of the disappeared. At the same time, in agreement with the relatives of the disappeared persons, mechanisms are being explored for the clarification of cases, including acknowledgement of the responsibility of the State and the award of appropriate compensation. The Working Group renews its offer of cooperation to the parties concerned.

140 The Working Group stresses once again that impunity is one of the main causes - probably the root cause - of enforced disappearance, and at the same time one of the major obstacles to clarifying past cases. It is very important that all States comply with the Declaration, which obliges them to make all acts of enforced disappearance offences under domestic criminal law, to promptly, thoroughly and impartially investigate any allegation of enforced disappearance and to bring the perpetrators to justice. In addition, the Working Group strongly urges all States to comply with article 18, which establishes that perpetrators of enforced disappearance shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from criminal proceedings or sanctions.

141 In some countries, the Working Group was unable to achieve progress in clarifying cases because of the lack of appropriate cooperation on the part of the Government. The Governments of Burkina Faso, Burundi, Chad, Equatorial Guinea, Mozambique and Tajikistan have never replied to any requests for information from the Working Group. It recommends once again that the Commission on Human Rights appeal to these countries to cooperate with the Group.

142 It is crucial that, in accordance with the Declaration, Governments take effective legislative, administrative and judicial measures aimed at preventing the occurrence of disappearances in the future. Although article 4 of the Declaration is very clear and applies to all States, i.e. not only to those in which enforced disappearances actually take place, in very few States have the criminal laws been amended in order to ensure that acts of enforced disappearance as such are offences punishable by appropriate penalties. The enactment and effective implementation of such legal measures would be a major step forward towards preventing acts of enforced disappearance.

143 The Working Group wishes to express once again its sincere appreciation to the secretariat for its dedication in the pursuance of the difficult tasks it has to undertake. The Group avails itself of this opportunity to appeal again to the Commission to meet the needs of the secretariat by allocating the appropriate resources, considering that the number of secretariat staff has been dramatically reduced during the last years from nine Professional and four General Service staff members to one Professional and one secretary working on a part-time basis.

VII ADOPTION OF THE REPORT AND SEPARATE OPINION OF TWO MEMBERS OF THE WORKING GROUP

144 At the last meeting of its fifty-ninth session, on 3 December 1999, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances

Ivan Tosevski (Chairman-Rapporteur)	(the former Yugoslav Republic of Macedonia)
Agha Hilaly	(Pakistan)
Diego Garcia-Sayán	(Peru)
Manfred Nowak	(Austria)

(Jonas K.D. Foli (Ghana) was not present at the fifty-ninth session)

145 Diego Garcia-Sayán and Manfred Nowak wish to express the following separate opinion to be added to the Working Group's report

"We strongly object to the fact that the present report had been reduced to the general limit of 32 pages requested by the General Assembly in its resolutions 37/4 C of 22 November 1982 and 47/202 B of 22 December 1992

"While we fully understand the desire of the Member States and the Secretariat of the United Nations to save funds by reducing the number and the size of its documents, it has been always recognized that this general 32-page limit cannot be applied to thematic mechanisms of the Commission on Human Rights, the annual reports of which should adequately reflect the situation of gross and systematic human rights violations on a country-by-country basis throughout the world. That is why many of the thematic working groups and special rapporteurs in the past have requested and been granted waivers by the Secretariat in this respect. At the same time, the Working Group on Enforced or Involuntary Disappearances during the last years made considerable efforts to streamline its annual reports and in fact reduced them from 172 pages in 1993 to roughly 100 pages in 1998 (the 1999 report of 70 pages is an exception as it has remained incomplete)

"During the present year, the secretariat again has prepared a draft report which, together with the necessary annexes and graphs, would have amounted to some 100 pages. Since the High Commissioner for Human Rights on 8 November 1999 explicitly

requested the Chairman of the Working Group not to exceed the 32-page limit, the Group decided to comply with this request by restructuring the report and drastically reducing its contents. The general part of the report does not contain comments on the draft convention on disappearances or on the implementation of the Declaration, including general comments on its provisions. The country-specific part has been restructured so as to report only on countries in which new cases were reported and/or new information was received. Even this information was reduced to an extent which made it difficult for the reader to understand the situation in the respective countries.

"The United Nations Declaration stipulates in article 17 that 'Acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the facts and the whereabouts of persons who have disappeared and these facts remain unclarified'. That is why it is important that the Working Group in its annual reports continue to put equal emphasis on 'new' and 'old' cases as long as they have not been clarified. The present report neither adequately reflects the situation of enforced disappearances throughout the world nor the efforts of the members of the Working Group, of its secretariat, of Governments and non-governmental organizations to clarify the fate and whereabouts of almost 50,000 disappeared persons in more than 70 countries of the world.

"We express our hope that the General Assembly, through a request by the Commission on Human Rights, will clarify the page limit for future annual reports of the thematic mechanisms of the Commission."

Annex

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING
1999

Country	Cases which allegedly occurred in 1999	Cases transmitted to the Government during 1999		Clarifications by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	1	-	146	-	-	-
Belarus	1	1	-	-	-	-
Brazil	3	3	1	-	3	-
China	1	1	6	9	-	-
Colombia	27	27	-	5	4	-
Democratic Republic of the Congo	5	5	-	-	2	-
Ethiopia	1	1	-	-	-	-
Guatemala	-	-	-	8	-	-
Honduras	1	1	-	-	1	-
India	-	-	6	5	-	-
Indonesia	50	50	-	1	1	-
Iran (Islamic Republic of)	3	3	1	-	-	-
Jordan	1	1	-	-	-	-
Lebanon	-	-	-	1	-	-
Libyan Arab Jamahiriya	-	-	1	-	-	-
Mexico	1	6	-	16	-	-
Morocco	-	-	2	-	-	-
Nepal	5	6	-	2	-	-
Pakistan	-	3	-	-	-	-
Philippines	1	3	-	1	2	-
South Africa	-	-	-	1	-	-
Sri Lanka	2	7	-	-	2	-
Sudan	3	3	-	-	-	-
Tunisia	-	1	-	1	-	-
Turkey	2	2	6	5	-	-
Uzbekistan	7	1	6	-	-	-



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/64/Add.1
21 December 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 (b) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF:
DISAPPEARANCES AND SUMMARY EXECUTIONS**

Report of the Working Group on Enforced
or Involuntary Disappearances

Addendum

Report on the visit to Sri Lanka by a member of the Working
Group on Enforced or Involuntary Disappearances
(25-29 October 1999)

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Introduction

1. Since the establishment of the Working Group in 1980, 12,258 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the Working Group. The cases occurred in the context of two major sources of conflict in that country: the confrontation of Tamil separatist militants and government forces in the north and north-east of the country, and the confrontation between the People's Liberation Front (JVP) and the government forces in the south. The cases reported to have occurred between 1987 and 1990 (145 cases in 1987, 182 cases in 1988, 5,027 cases in 1989 and 4,777 in 1990) took place mostly in the Southern and Central Provinces of the country, during a period in which both security forces and the JVP resorted to the use of extreme violence in the contest for State power. In July 1989, the conflict in the south took a particularly violent turn when JVP adopted even more radical tactics, including enforced work stoppages, intimidation and assassination, as well as targeting family members of the police and army. To thwart the JVP military offensive, the State launched a generalized counter-insurgency campaign and the armed forces and the police appear to have been given wide latitude to eliminate the rebel movement and restore law and order in any way they saw fit. By the end of 1989, the armed forces had put down the revolt.

2. The cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country. In the north-east, the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathizing with LTTE. The most frequently utilized method of detention in the north-east was the cordon-and-search operation in which the army, often in conjunction with the police, and particularly the Special Task Force, went into a village or a rural area and detained scores of persons. Many were released within 24 to 48 hours, but a percentage of the persons remained in custody for questioning. In the Jaffna Peninsula the highest number of disappearances (622) occurred in 1996 when the security forces regained control of the Peninsula from LTTE. Since then the number of disappearances being reported from Jaffna has continuously declined.

3. The Working Group visited Sri Lanka in 1991 and 1992. Following those visits, the Working Group formulated a number of recommendations to the Government of Sri Lanka concerning past cases of disappearances and measures to prevent disappearances from occurring in the future. At the time of its first visit in 1991, the Working Group had transmitted 4,932 cases of enforced or involuntary disappearances to the Government of Sri Lanka.

4. The first visit to Sri Lanka took place from 7 to 17 October 1991 and was carried out by three members of the Working Group, Mr. Agha Hilaly, Mr. Jonas Foli and Mr. Toine van Donge. Their report (E/CN.4/1992/18/Add.1) was presented to the Commission on Human Rights at its forty-eighth session. The same members of the Working Group undertook a second visit from 5 to 15 October 1992 for the purpose, *inter alia*, of evaluating the progress of the implementation of its recommendations formulated in 1991. Their report was submitted to the Commission at its fiftieth session (E/CN.4/1993/25/Add.1).

5 The purpose of its third visit was twofold: to follow up on the recommendations made by the Working Group during its visits in 1991 and 1992 and to identify efforts taken to minimize and resolve the problem of enforced or involuntary disappearances, as well as to follow up on the latest developments. The Working Group was represented by one of its members, Mr. Manfred Nowak, and by its Acting Secretary. The visit took place from 25 to 29 October 1999. The members of the mission were received by the Minister of Foreign Affairs, the Secretary of the Ministry of Foreign Affairs, the Secretary of Defence, the Minister of Justice, Constitutional Affairs, Ethnic Affairs and National Integration, the Honourable Chief Justice of the Supreme Court, the Attorney-General, the Commanders of the Army and the Air Force, a representative of the Commander of the Navy and the Inspector-General of Police. They also met other senior government officials, the Chairperson and other members of the Human Rights Commission, the Chairpersons of the present and of one of the former Presidential Commissions of Inquiry into Involuntary Removal or Disappearance of Persons and the Chairperson of the Rehabilitation of Persons, Properties and Industries Authorities (REPPIA). In addition, they met with the United Nations Special Rapporteur on violence against women and various other representatives of intergovernmental and non-governmental organizations as well as representatives of families of disappeared persons.

6 The Working Group gratefully acknowledges that it has continued to receive valuable cooperation from the Government of Sri Lanka, both in the preparation of and during the visit. No obstacles were encountered by the members of the mission in receiving representatives of non-governmental organizations, witnesses and relatives of missing persons. The Working Group also wishes to express its gratitude to the United Nations Resident Coordinator, Mr. Peter Witman, for his assistance.

I. DEVELOPMENTS SINCE 1994

7 In August 1994, a coalition of parties headed by the Sri Lanka Freedom Party, the People's Alliance and the Sri Lanka Muslim Congress Party won the parliamentary elections and formed a government. In November 1994, Ms. Chandrika Bandaranaike Kumaratunga, leader of the People's Alliance, won the presidential elections and set up three Presidential Commissions of Inquiry into Involuntary Removal or Disappearance of Persons that had occurred in the country since 1 January 1988. The Commissions started their work in January 1995. Each Commission was assigned a specific geographical area of the country and was composed of three members. All three Commissions submitted comprehensive reports in September 1997 without, however, having finished their work. The investigation of some 10,000 remaining complaints relating to these "old" cases was, therefore, entrusted to a fourth Presidential Commission of Inquiry which is still operating. On the basis of these inquiries into disappearances under the former Government, almost 4,000 suspected individual perpetrators were identified, almost 500 persons were indicted and some of them convicted.

8 In addition, the Government in 1995 enacted the Registration of Deaths (Temporary Provisions) Act No. 2 in order to simplify and expedite the process of issuing death certificates in respect of persons who are presumed dead. By virtue of the Registration of Deaths (Temporary Provisions) Act No. 58 of 1998 the procedure was further simplified in order to find a speedy solution to these "old" cases of disappearance by means of a legal presumption of death and the payment of compensation to the families. In May 1999 a special "Unit for the

Clarification of Cases of Alleged Forced or Involuntary Disappearances", which has been set up by the Cabinet of Ministers as part of the Rehabilitation of Persons, Properties and Industries Authority (REPIA), started to operate a special computer programme relating to all cases of disappearances submitted by the Working Group to the Government of Sri Lanka. This Unit is in the process of clarifying cases of disappearances by various means, including the payment of compensation to the families of disappeared persons. On the basis of this new (temporary) legislation some 15,000 death certificates were issued since 1995, and more than 12,000 families received compensation. Of these cases, some 2,700 allegedly relate to cases submitted by the Working Group to the Government of Sri Lanka.

9 In the meantime, however, high levels of enforced or involuntary disappearances continued to be reported. After LTTE unilaterally ended the peace talks in April 1995, several cases were reported in Colombo, the capital, and in the east of the country. The number increased dramatically when the armed forces regained control over the northern Jaffna Peninsula from the LTTE. While in 1995 there allegedly occurred 78 cases of enforced disappearance, in 1996, there were 623 cases. During 1997, 92 cases were reported, the highest number of disappearances reported from any country in that year. In recent years the number of reported cases decreased to 4 (1998) and 2 (1999).

10 With respect to the disappearances which occurred during the present Government, no Presidential Commission of Inquiry similar to the four cited above was established. However, on the basis of a presidential directive of October 1996, the Secretary of Defence appointed a special Board of Investigation into Disappearances in Jaffna Peninsula consisting of high officials of the three armed forces and the police. This Board investigated a total of 2,621 complaints, traced more than 200 disappeared persons and identified an unspecified number of suspected perpetrators. Until now, none of these persons has been indicted. The investigations of the Board were finalized in March 1998 without, however, publishing the report.

11 In August 1996, Parliament enacted the Human Rights Commission of Sri Lanka Act No. 21 of 1996. The Commission, which consists of five members, started to operate in June 1997 and is entrusted with a broad range of human rights tasks, including the investigation of complaints regarding disappearances and visits to police stations and detention centres. Under section 28 of the Human Rights Commission Act, the Commission must be informed within 48 hours of any arrest or detention under the Prevention of Terrorism Act or the Emergency Regulations.

12 Sri Lanka acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in January 1994. The Torture Act passed by Parliament in November 1994 made torture punishable by imprisonment for a term of not less than 7 years and not exceeding 10 years. On 3 October 1997, Sri Lanka acceded to the Optional Protocol to the International Covenant on Civil and Political Rights limiting the scope of investigations of complaints relating to infringement of human rights to the period after 3 January 1997.

13 During the same period, LTTE has continued fighting for a separate homeland for minority Tamils in the north and east of the country. The armed conflict continues, claiming hundreds of lives.

II. ASSESSMENT OF THE IMPLEMENTATION OF THE WORKING GROUP'S PREVIOUS RECOMMENDATIONS

14 In its previous reports, the Working Group issued a series of recommendations. In the following paragraphs, the Working Group will assess the measures taken by the Government of Sri Lanka aimed at implementing these earlier recommendations.

A. Establishment of a mechanism to clarify the fate and whereabouts of the missing persons (E/CN.4/1992/18/Add.1, para. 204 (k) and E/CN.4/1993/25/Add.1, para. 133)

15 The three regional Presidential Commissions of Inquiry into Involuntary Removal or Disappearance of Persons set up in November 1994 submitted their reports to the President of the Republic on 3 September 1997. The Commissions investigated a total of 27,526 complaints and found evidence of disappearance in 16,742 cases. A further 10,135 complaints submitted to the Commissions by relatives and witnesses remained to be investigated by the present (fourth) Presidential Commission of Inquiry. They relate to 6,517 cases of disappearance and include complaints of disappearances alleged to have occurred in war zones like Wanni, Puliyanikulam or the east of Ampakaman, which are of difficult access. The Chairperson of the present Commission of Inquiry informed the Working Group that out of these 6,517 remaining cases of disappearance, the Commission only considers 4,052 cases to be "proven". Apart from only very few disappeared persons who were found alive, all of the more than 20,000 persons established by the four Commissions as disappeared are considered to be dead. More than 15,000 death certificates have already been issued in accordance with temporary legislation (see below, para. 52).

16 The final reports of the three earlier Commissions were published in September 1997 and were available from the Government Publications Bureau, albeit only in a very limited number. The reports were not widely distributed, nor can they be found in local libraries. The interim report of the present Commission was submitted to the President of the Republic on 30 December 1998 and has not yet been published. The final report is expected to be issued soon.

17 All four Commissions were authorized only to investigate cases of disappearances which occurred under the former Government. Although the rate of disappearances increased again significantly during 1995 and 1996, no Presidential Commission of Inquiry was established in relation to these cases.

18 On the basis of a directive issued by the President of the Republic in October 1996, the Secretary of the Ministry of Defence on 5 November 1996 appointed a Board of Investigation into Complaints of Disappearances in Jaffna Peninsula. This Board of Investigation was chaired by Mr. Bandula Kulatunga, a retired senior officer of the Sri Lanka Administrative Service, and was composed of four high-ranking officers of the Army, Navy, Air Force and the Police. It visited Jaffna Peninsula several times and investigated a total of 2,621 complaints and established 765 cases of disappearance. On examining reports from police stations and detention centres and after visits to these places of detention, the Board was able to trace 201 persons. It also established that 16 persons were dead, 14 of whom at the hands of the Security Forces.

19 The Board of Investigation submitted its final report to the Ministry of Defence on 9 March 1998. This report, which contains a number of annexes including evidence which justifies further inquiries by the police with a view to pursuing legal action against offenders, was not made available to the public.

20 The Human Rights Commission of Sri Lanka was established by Parliamentary Act No. 21 of 21 August 1996. On 17 March 1997, the President of the Republic appointed its Chairman, former Supreme Court Judge O. S. M. Seneviratne, and four members - Dr. A. T. Ariyaratne, Professor Arjuna Aluvihare, Mr. T. Suntheralingam and Mr. Ahamad Javid Yusuf. This newly established national human rights institution started to operate in June 1997 and replaced the former Human Rights Task Force which was abolished on 30 June 1997. The Commission established 10 regional offices, including one in Jaffna, and presently employs some 90 officers of whom some 40 work in the Colombo headquarters. It has been authorized, *inter alia*, to inquire into, investigate and settle human rights complaints, to advise the Government in formulating relevant legislation, to make recommendations to the Government on human rights issues, to promote awareness of human rights and to take legal steps through courts. Under section 28 of the Human Rights Commission Act of 1996, the Commission must be informed of any arrest or detention carried out under the Prevention of Terrorism Act or the Emergency Regulations immediately and in any case not later than 48 hours from the time of arrest or detention.

21 On 11 August 1998, the Commission submitted its first Annual Report, which covers the period from 17 March 1997 to 30 March 1998, to Parliament. The report has, however, not yet been made available to the general public. According to this report, the Commission has received a total of 4,350 complaints, has visited 1,240 police stations and 291 detention camps where it was in contact with a total of 3,444 detainees most of whom (3,325) were of Tamil ethnic origin. It investigated 842 cases of missing persons and traced 219 of them. In Vavuniya, out of 142 cases, 104 persons have been traced. In Jaffna, 16 persons were traced out of a total of 325 cases. In Batticaloa 62 persons were traced out of a total of 204 cases and in Colombo, out of 76 cases, 16 persons were traced. The Human Rights Commission could, however, not indicate whether any of the disappeared persons reported to the Government of Sri Lanka by the United Nations Working Group were among those traced by it.

22 During the period between August 1998 and September 1999, the Human Rights Commission received 1,852 complaints against members of the armed forces and the police. A total of 1,122 persons were reported missing during this period of whom the Human Rights Commission could actually trace 648, i.e. more than half. In Vavuniya, 251 out of 497 missing persons were traced, in Batticaloa, 274 out of 285. Again, the Working Group was not able to check whether any of the disappeared persons on its list were traced by the Human Rights Commission.

23 Members of the Human Rights Commission pointed out that the concept of "missing persons" they were using included also cases of persons who had disappeared on their own owing to various reasons, such as running away from home for personal reasons or any kind of fear entertained by them, the category of missing persons therefore included others than those mentioned in complaints made against the armed forces or the police.

24 Members of the Human Rights Commission also informed the Working Group that a total of 932 visits to police stations and 380 visits to detention camps had been carried out from January 1999 to September 1999, 2,315 detainees were visited, including 520 in Vavuniya, 476 in Jaffna, 462 in Anuradhapura and 202 in Batticaloa, of whom 2,179 were of Tamil ethnic origin.

25 During the period between 1 January and 30 July 1999, a total of 1,278 arrests were reported to the Human Rights Commission. Most of them occurred in Vavuniya (792), Jaffna (125), Trincomalee (116) and Kalmunai (94).

26 Members of the Human Rights Commission also reported to the Working Group that its Jaffna Regional Office is conducting relevant investigations on 277 cases of enforced or involuntary disappearances transmitted by the Working Group to the Government of Sri Lanka. According to the information provided, 16 persons had been traced by that Regional Office.

B. Clarification and involvement of human rights organizations,
identification of bodies and the work of forensic experts
(E/CN.4/1992/18/Add.1, para. 204 (c) and
E/CN.4/1993/25/Add.1, para. 146 (c))

27 The mission was informed that a special police team had initiated forensic investigations into some cases identified by the three regional Commissions of Inquiry as being *prima facie* cases of enforced disappearance.

28 In March 1999, the Ministry of Foreign Affairs invited interested non-governmental organizations, local and foreign, to send observers to the exhumations of alleged mass graves near Chemmani on the Jaffna Peninsula. These graves date from mid-1996, when the Government was consolidating its hold over the Peninsula after regaining control from LTTE. Knowledge of the existence of the alleged graves stemmed from disclosures by ex-Army Lance Corporal Somaratne Rajapakse, who was convicted in July 1998 of the 1996 rape and murder of a student, Krishanty Kumaraswamy, and the killing of her mother, brother, and a neighbour (see below, para. 31). On 16 and 17 June 1999, two forensic experts from the United States-based NGO Physicians for Human Rights and two observers from Amnesty International witnessed local forensic experts digging up two bodies from a shallow grave in the Chemmani area. Between 6 and 23 September 1999, further exhumations were carried out in the presence of international monitors at various grave sites previously indicated by Mr. Rajapakse and four co-prisoners. Although several hundred disappeared persons were alleged to be buried in this area, the mortal remains of only 13 other individuals were recovered by the Sri Lankan forensic experts. Nevertheless, this exhumation was considered a first step towards attributing full accountability for the disappearances which occurred in the Jaffna Peninsula during 1996.

C. Prosecution of those responsible for disappearances
(E/CN.4/1992/18/Add.1, para. 204 (g))

29 Officers of the armed forces that commit offences against civilians can be tried either by military or civil courts. In case of a summary trial before a military court, the punishment is of a

disciplinary nature, such as reduction in rank, withholding of promotions or delay in promotions. In case of a court martial, the punishment can be imprisonment or discharge from service. If a prima facie case is established before a civil court, the officer has to be suspended from service.

30. Under Sri Lankan law, criminal proceedings before a civil court usually start with a non-summary procedure before a magistrate. If a prima facie case is established the accused will be tried before a jury at the High Court. The proceedings before the magistrate should not last longer than one month. According to information received from the Minister of Justice, however, these proceedings in practice often last for many months or even years. According to the Minister, this delay is the main bottleneck in bringing the perpetrators of enforced disappearances or other human rights abuses to justice.

31. One way to avoid such a delay is indictment for a trial at bar before three judges. This procedure was applied, for instance, in the well-known case of the student Krishantya Kumaraswamy, who on 7 July 1996 was raped and killed in Ariyalai on the Jaffna Peninsula by eight soldiers. All the accused soldiers were discharged from service pending trial, convicted by the High Court of Colombo and sentenced to death. During the trial, one of the accused, ex-Army Lance Corporal Somaratne Rajapakse, reported about the existence of mass graves in the Chemmani area which led to forensic investigations and exhumations during 1999 (see above).

32. A complete list of criminal cases against Army personnel before civil courts in connection with alleged human rights violations was provided to the Working Group by the Army Commander. The list includes the well-known case of the disappearance of 32 schoolboys in 1989 in Embilipitiya. Although the root cause of this case of disappearance was in fact a private dispute, it was allegedly related to Army operations against JVP. Three officers and four soldiers were condemned to 10 years' rigorous imprisonment by the High Court of Ratnapura. Two other officials were acquitted. The other cases reported to the Working Group by the Army Commander are not directly related to enforced disappearances. One case concerns the massacre of 35 villagers at Mylantenna on 9 August 1992 for which 21 soldiers have been arrested and brought before the High Court of Batticaloa. Eight soldiers accused of the massacre of 34 civilians in Kumarapuram village on 11 February 1996 have been discharged from the Army while the trial is pending before the High Court of Trincomalee.

33. Army authorities have also decided disciplinary sanctions in case of human rights violations, independently of the judicial course of action. Soldiers accused of sexual harassment of Tamil women, for instance, have been reduced in rank, detained for up to 90 days and discharged from the Army.

34. With respect to criminal action against perpetrators of enforced disappearances, the three Presidential Commissions of Inquiry mentioned above (paras. 7 and 15) played a crucial role. They established evidence concerning 16,742 cases of disappearance and identified, in their final reports of September 1997, suspected perpetrators in relation to 3,861 cases of disappearance which had occurred under the former Government. On the basis of this evidence the Inspector General of Police in December 1997 established a special Disappearance Investigation Unit. In relation to the 3,861 cases of disappearance, police investigations against 1,560 suspected perpetrators members of the police and the armed forces were initiated.

35 On 14 July 1998 the former Attorney-General (the present Chief Justice) established a Missing Persons Commissions Unit which as of 1 October 1999 had received from the police Disappearance Investigation Unit dossiers relating to 890 cases of disappearance. According to information provided by the Attorney-General, criminal proceedings were initiated against 486 persons in relation to 270 cases of disappearance. In 73 cases, non-summary procedures before magistrates were started, while in 197 cases indictments were issued. Since the act of enforced disappearance is not a criminal offence under Sri Lankan criminal law, these indictments and non-summary proceedings relate to various offences, such as abduction with intention to murder, wrongful confinement, torture, rape or murder. The mission was informed by the Attorney-General and the Inspector General of Police that on 14 September 1999 the first of the accused, a police officer, was convicted for the crime of abduction and sentenced to five years of imprisonment.

36 With respect to the disappearances which occurred during the present Government, the Board of Investigation into Disappearances in Jaffna Peninsula in its report of 9 March 1998 (see above, para. 19) identified 21 cases of disappearance where "evidence has revealed sufficient facts to justify further inquiries by the police with a view to pursuing legal action against offenders". In another 134 cases of disappearance the Board of Investigation found sufficient evidence of criminal acts but could not identify the alleged perpetrators. It recommended further inquiries by the Service Commanders to identify the offenders. According to information provided to the mission by the Secretary of Defence, the first indictments will be issued in a few weeks.

37 In spite of these efforts to investigate cases of enforced disappearance and to bring the perpetrators to justice, family members of disappeared persons and representatives of non-governmental organizations complained that many of the persons who were identified as suspected perpetrators by the three Presidential Commissions of Inquiry continued to serve in their posts or have even been promoted. A person quite often named in this respect is the former Deputy Inspector General of Police, Premadasa Udugampola.

D. Preventive measures (E/CN.4/1992/18/Add.1, para. 204 (a))

38 The mission was informed that investigation officers of the Human Rights Commission regularly visit police stations and army detention camps. They also conduct urgent inquiries on information received through complaints about arrests and torture and provide necessary relief.

39 Under section 28 of the Human Rights Commission of Sri Lanka Act No. 21 of 21 August 1996, the Commission must be informed of every arrest and detention under the Prevention of Terrorism Act and the emergency regulations immediately and in any case not later than 48 hours from the time of such arrest or detention.

40 In July 1997, the President of the Republic and Commander-in-Chief of the Armed Forces issued a series of directives to the heads of the armed forces and the police to enable the Human Rights Commission to exercise and perform its powers, functions and duties and for the purpose of ensuring that fundamental rights of persons arrested or detained are respected. According to these directives, the members of the Human Rights Commission or any person authorized by it should be permitted to enter at any time any place of detention or police station.

41. The directives also remind the heads of the armed forces and the police that every officer who makes an arrest or order of detention shall, in accordance with section 28 of Act No. 21 of 1996, inform the Human Rights Commission or any person specially authorized by the Commission of such arrest or detention not later than 48 hours from the time of such arrest or detention, as well as the place at which the person so arrested or detained is being held in custody or detention.

42. The person making the arrest or detention shall identify himself or herself to the person arrested or any relative or friend of such person, upon inquiry being made, by name and rank and shall issue to the relatives a document acknowledging the fact of arrest. The name and rank of the arresting officer, the time and date of arrest and the place at which the person will be detained shall also be specified. Every person arrested or detained shall be informed of the reason for the arrest and shall also be afforded reasonable means of communicating with a relative or friend to enable his whereabouts to be made known to his family.

43. According to the directives issued in July 1997 by the President of the Republic, any child under 12 years or any woman arrested or detained should be placed in the custody of a Women's Unit of the armed forces or the police or in the custody of a woman military or police officer. A person of their choice should be allowed to accompany such child or woman to the place of questioning. A statement of a person arrested or detained should be recorded in the language of that person's choice who should thereafter be asked to sign the statement. If the person desires to make a statement in his or her own handwriting, he or she should be permitted to do so.

44. Members of the Human Rights Commission informed the mission that they have encountered no problems in visiting police stations or detention centres of the armed forces. The Commission was, however, unable to visit detainees held by the LTTE or reportedly held by the paramilitary forces such as the People's Liberation Organization of Tamil Eelam (PLOTE) and the Tamil Eelam Liberation Organization (TELO). Members of the Commission also provided information about reports of arrest and detention in accordance with section 28 of the Human Rights Commission Act. For example, 1,278 arrests had been reported to the Commission between 1 January and 30 July 1999, most of which (792) had been carried out in Vavuniya.

45. While the members of the Human Rights Commission were unable to indicate cases in which arrests were made without informing the Commission, representatives of non-governmental organizations claimed that section 28 of the Human Rights Commission Act was often ignored in practice. In their discussions with the Inspector General of Police and the commanders of the armed forces, the members of the mission got the impression that this important provision for the prevention of disappearances and other human rights violations relating to detention seems not to be very well known.

46. Another important preventive means is the direct human rights complaint to the Supreme Court in accordance with article 13 of the Constitution. The mission was, however, informed by the Chief Justice and others that this remedy cannot be pursued on behalf of persons who are missing or dead.

E Detention registers (E/CN.4/1992/18/Add.1, para. 204 (d))

47 In spite of the recommendation contained in its 1991 visit report, the Working Group was informed that a central register of detainees had not been set up. Technical problems were mentioned as the main cause, in particular by the Inspector General of Police.

F Training course on human rights and humanitarian law for army and police personnel (E/CN.4/1992/18/Add.1, para. 204 (i))

48 Members of the Human Rights Commission conducted educational programmes, seminars and workshops on human rights. In January 1997, a Department of Humanitarian Law was set up at army headquarters. The Working Group was informed that since its creation, a total of 231 training courses on international humanitarian law were given to 3,036 officers and 9,521 soldiers, with the assistance of the International Committee of the Red Cross (ICRC). International humanitarian law is currently a subject in promotion examinations for officers.

49 Although Sri Lanka is not a party to Additional Protocols I and II of 1977 to the Geneva Conventions of 1949, the Commander of the Army ensured the mission that all international standards of humanitarian law applicable in non-international armed conflicts form part of the curriculum of army training courses.

G Revision of the Prevention of Terrorism Act and Emergency Regulations (E/CN.4/1992/18/Add.1, paras. 204 (e) and E/CN.4/1993/25/Add.1, para. 146 (a))

50 The Working Group recommended that the Prevention of Terrorism Act and the Emergency Regulations currently in force be brought into line with accepted international standards regarding due process of law and treatment of prisoners. The mission was informed that the Government had not made any amendment to the Prevention of Terrorism Act (PTA) and that the review of the Emergency Regulations had been limited to the reduction to 21 days of the maximum period of detention in areas outside the north and east of the country, and to 60 days in the north and east.

51 Non-governmental organizations continue to claim that PTA and the Emergency Regulations, above all regulation 17, are the main reason for the continuation of arbitrary detentions and enforced disappearances. They therefore call for the immediate abolition of these laws.

H Compensation for the victims of enforced disappearances and their relatives

52 On the basis of the Registration of Deaths (Temporary Provisions) Acts No. 2 of 1995 and No. 58 of 1998 (see above), a total of 15,263 death certificates had been issued to relatives of missing persons as of 31 July 1999. Most of these death certificates relate to cases of disappearances which had occurred during the former Government. The highest number of death certificates were issued in the districts of Matara (2,204), Kandy (1,913), Hambantota (1,565) and Kurunegala (1,415). Although the legal procedure for issuing death certificates was considerably simplified and no longer involves a court, such certificates can only be issued on

the initiative of the next-of-kin of a disappeared person. The applicant is required to submit an affidavit along with the application setting out the grounds for his or her belief that the person in respect of whom a death certificate is sought has been missing for more than one year and that he or she truly believes such person to be dead. If the disappeared person is included in the lists of any of the Presidential Commissions of Inquiry, the death certificate is even easier to obtain.

53 Members of families of disappeared persons and representatives of non-governmental organizations claim, however, that this procedure is not applied equally in the different districts, and that some Divisional Secretaries are more inclined to issue death certificates than others. It is alleged that this difference in practice has to do with the fact that the death certificate is a precondition for receiving compensation.

54 The Rehabilitation of Persons, Properties and Industries Authority (REPPIA - see above) is responsible for paying compensation to families of disappeared persons on the basis of a death certificate. Its Chairperson informed the mission that relatives of a disappeared public civil servant receive 150,000 rupies (approximately US\$ 2,400) whereas relatives of other missing persons only receive 50,000 rupies (roughly US\$ 800). Representatives of non-governmental organizations regard this difference in treatment as discriminatory. According to the Chairperson of REPPIA, until September 1999 a total of 410 million rupies were paid as compensation to 12,242 families of disappeared persons. Problems were only encountered in the eastern provinces where it seems often to be difficult to find family members of disappeared persons or where the families are not cooperative. Problems were also reported from the Colombo area where many of the disappeared persons were students or migrant workers whose families are difficult to trace.

III CONCLUSIONS AND RECOMMENDATIONS

55 The Working Group appreciates the variety of measures which the present and previous Governments of Sri Lanka have taken, in compliance with the Group's earlier recommendations, for the purpose of clarifying cases of disappearances which occurred during the former Government, of providing justice to the families of disappeared persons, and of preventing future disappearances. In particular, the Group wishes to stress the efforts undertaken, notwithstanding the ongoing severe conflict with LTTE in the north and east of the country, by the four Presidential Commissions of Inquiry into Involuntary Removal or Disappearance, by the Board of Investigation into Disappearances in Jaffna Peninsula established by the Secretary of Defence, by the former Human Rights Task Force and its successor, the Human Rights Commission of Sri Lanka established in pursuance of Parliamentary Act No. 21 of 1996, by the Rehabilitation of Persons, Properties and Industries Authority (REPPIA), the Attorney-General and other authorities.

56 With respect to disappearances which occurred during the late 1980s and early 1990s, in particular the JVP-related cases of 1989 and 1990 in the south of the country, almost 40,000 complaints have been investigated and more than 20,000 cases of enforced disappearances have been established by the four Presidential Commissions of Inquiry. On the basis of special temporary legislation, more than 15,000 death certificates have been issued and compensation has been paid to more than 12,000 families of disappeared persons. In almost 4,000 cases, suspected perpetrators were identified, criminal proceedings were instituted against

some 500 members of the police and the armed forces, and some of the accused have been convicted and sentenced by the courts. Others have been subjected to disciplinary sanctions.

57. With respect to disappearances which occurred during the present Government, in particular the LTTE-related cases in 1996 in the Jaffna Peninsula, more than 2,600 complaints have been investigated by the Board of Investigation of the Ministry of Defence, more than 200 cases of disappearances were clarified and some exhumations were carried out. In addition, the Human Rights Commission investigated a considerable number of allegations of disappearances and traced many missing persons.

58. In the field of prevention, laws and regulations were enacted which enable the Human Rights Commission to visit police stations and detention centres of the armed forces and which require law enforcement officers to inform the Human Rights Commission within 48 hours of every arrest and detention under the Prevention of Terrorism Act and the Emergency Regulations, to issue receipts in acknowledgement of arrests and to respect other safeguards against arbitrary arrest and detention. In addition, training courses on human rights and humanitarian law were provided by the army and the Human Rights Commission.

59. The Working Group also welcomes the recent establishment of a special Unit in the Rehabilitation of Persons, Properties and Industries Authority (REPPIA) with the specific task of establishing a database on disappearances in response to the cases transmitted by the Working Group to the Government of Sri Lanka and with the explicit aim of clarifying these cases on the basis of presumption of death, the payment of compensation to the families and other means of establishing the fate and whereabouts of disappeared persons. This Unit has reported that it has clarified 4,010 of the roughly 12,000 cases submitted by the Working Group (2,761 of which on the basis of death certificates) but the Working Group has not yet been in a position to examine this information on a case-by-case basis.

60. Notwithstanding all these encouraging facts, the Working Group wishes to stress that Sri Lanka remains the country with the second largest number of non-clarified cases of disappearances on its list. Many of the missing persons allegedly traced by the authorities (in particular the Human Rights Commission) seem not to correspond to the disappeared persons submitted by the Working Group. Although a considerable number of criminal investigations have been initiated in relation to disappearances which occurred some 10 years ago, only very few of the suspected perpetrators have actually been convicted. Many families, therefore, rightly feel that justice has not yet been done to them.

61. Some non-governmental organizations also claim that the present Government has not done enough to investigate disappearances which occurred after it took office and to prevent disappearances in the future. Whereas disappearances under the former Government were investigated by four independent Presidential Commissions of Inquiry whose findings were in principle made available to the public, the more recent cases were only investigated by a non-independent and confidential Board within the Ministry of Defence. The Human Rights Commission, which in principle could play an important role in investigating and preventing disappearances, seems to lack the necessary authority, political and financial support to carry out this task in an efficient manner.

62. As far as prevention is concerned, a number of the earlier recommendations of the Working Group have not been implemented. First of all, the Prevention of Terrorism Act and the Emergency Regulations, which are rightly considered as the main reason for the continuation, albeit on a much less severe level, of enforced disappearances, have not been abolished or brought into line with internationally accepted standards of human rights. Secondly, no central register of detainees was set up. Thirdly, the safeguards for the prevention of arbitrary arrests, and in particular the legal obligation to immediately inform the Human Rights Commission of arrests and detentions, seem not to be widely known by the law enforcement bodies and are often disregarded in practice.

63. In conclusion, the Working Group addresses the following recommendations to the Government of Sri Lanka

(a) The Government should establish an independent body with the task of investigating all cases of disappearance which occurred since 1995 and identifying the perpetrators,

(b) The Government should speed up its efforts to bring the perpetrators of enforced disappearances, whether committed under the former or the present Government, to justice. The Attorney-General or another independent authority should be empowered to investigate and indict suspected perpetrators of enforced disappearances irrespective of the outcome of investigations by the police,

(c) The act of enforced disappearance should be made an independent offence under the criminal law of Sri Lanka punishable by appropriate penalties as stipulated in article 4 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance,

(d) The Prevention of Terrorism Act and the Emergency Regulations currently in force should be abolished or otherwise brought into line with internationally accepted standards of personal liberty, due process of law and humane treatment of prisoners,

(e) Any person deprived of liberty should be held only in an officially recognized place of detention as stipulated in article 10 (1) of the Declaration. All unofficial places of detention, in particular those established by paramilitary organizations fighting alongside the Security Forces, such as PLOTE and TELO, should immediately be dissolved,

(f) The Government should set up a central register of detainees as provided for in article 10 (3) of the Declaration. Since the Human Rights Commission needs to be informed immediately of every arrest and detention under the Prevention of Terrorism Act and the Emergency Regulations, such a central computerized register of detainees might be established at its headquarters. Such a solution would, however, require a substantial increase in the powers and resources of the Commission,

(g) All families of disappeared persons should receive the same amount of compensation. The differentiation between public civil servants and others seems discriminatory and should, therefore, be abolished. Compensation should not be made dependent on the

confirmation as "proven" by a Commission of Inquiry. In addition to these compensations, the families of disappeared persons should be supported, according to their needs, by other means, such as low interest loan schemes or scholarships for the children,

(h) The procedure for issuing death certificates in cases of disappearances should be applied in an equal and non-discriminatory manner to all families,

(i) The prohibition of enforced disappearance should be included as a fundamental right in the Constitution of Sri Lanka to which the remedy of a direct human rights complaint to the Supreme Court under article 13 of the Constitution is applied irrespective of the fact whether the disappeared person is presumed to be alive or dead

Annex I

PROGRAMME

Monday, 25 October 1999

- 9 00 a m Meeting with Mr. P. Witham, United Nations Resident Coordinator and
UNDP Resident Representative
- 10 00 a m Ministry of Foreign Affairs
Mr. L. Fernando, Secretary of the Ministry
Mr. W. Hettiarachchi, Director/United Nations Affairs
Mr. S. Ekanayake, Assistant Director/United Nations Affairs
- 11 00 a m Mr. L. Kadirgamar, Minister of Foreign Affairs
- 12 30 p m Lunch hosted by the Secretary of the Ministry of Foreign Affairs

Tuesday, 26 October 1999

- 9 00 a m Mr. M. H. M. Salman, Chairman, Rehabilitation of Persons, Properties and
Industries Authority (REPPIA)
- 10 00 a m Mr. O. S. M. Seneviratne, Chairperson, Human Rights Commission, and
Mr. T. Suntheralingam, Commissioner
- 11 00 a m Mr. S. N. Silva, Chief Justice
- 12 noon Mr. K. L. Kamalasabayson, Attorney-General
- 2 00 p m Mr. U. Gunaratne, President, Bar Association of Sri Lanka
Mr. S. Deshapriya, MIRJE (Movement of Inter-Racial Justice and Equality)
Mr. F. I. Xavier, Home for Human Rights
Mrs. S. Wickremasinghe, Secretary, Civil Rights Movement
Mrs. D. Wickremasekera, Law and Society Trust
Mr. K. Tiranagama, Lawyers for Human Rights and Development

Wednesday, 27 October 1999

- 9 00 a m Presidential Commission of Inquiry
Ms. M. Muttewugama, Chairperson
Mr. M. C. M. Iqbal, Secretary
Mr. N. Thuduwwatte
Mr. J. S. G. Samarasinghe
- 11 00 a m Mr. R. K. Chandrananda de Silva, Secretary, Ministry of Defence

12 noon Mr. L. Koodituwakku, Inspector-General of Police

2.00 p.m. Mr. M. Velautham, Forum for Human Dignity
Dr. S. Jayaweera, Chairperson, the Centre for Women's Research (CENWOR)
Mrs. S. Abeysekera, INFORM
Ms. L. Kois, International Centre for Ethnic Studies (ICES)
Dr. Sritharan, University Teachers for Human Rights
Mr. S. Pathirana, Organization of Parents and Family Members of the Disappearances (OPFMD)

Thursday, 28 October 1999

9.30 a.m. The Commander of the Army, General Weerasuriya

10.30 a.m. The Commander of the Air Force, Air Marshal Jayalath Weerakkody

11.30 a.m. Ministry of Foreign Affairs
Mr. W. Hettiarachchi, Director/United Nations Affairs
Mr. S. Ekanayake, Assistant Director/United Nations Affairs

12.30 p.m. The Minister of Justice, Constitutional Affairs, Ethnic Affairs and National Integration and Deputy Minister of Finance, Prof. G. L. Peiris

2.00 p.m. Meeting with Mr. P. Witham/UNDP, Ms. J. Lim/ UNCHR,
Mr. C. Glennie/UNICEF, Mr. P. Vandenbruaene, Humanitarian Adviser to the United Nations Resident Coordinator and Mr. B. Schack/UNHCR

3.30 p.m. Meeting with Ms. C. Burger, Deputy Head of Delegation and Mr. A. Mallet, Protection Coordinator, ICRC

4.00 p.m. The Special Rapporteur on violence against women, Ms. R. Coomaraswamy

4.15 p.m. Ms. D. Udagama, University of Colombo, alternate member of the United Nations Sub-Commission on the Promotion and Protection of Human Rights

4.30 p.m. Press conference
